

AMENDED IN SENATE APRIL 2, 2013

**SENATE BILL**

**No. 630**

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**Introduced by Senators Pavley and Steinberg**

February 22, 2013

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An act to amend Sections 67023, 67025, 67049, 67070, ~~67101~~, 67072, 67075, 67102, 67103, 67105, and 67120 of, to *add Sections 67022.5, 67022.7, 67027, 67072.1, 67106.2, and 67107.1 to*, to repeal Sections 67061, 67073, 67074, 67103.1, 67109, and 67125 of, and to repeal and add ~~Section 67041~~ *Sections 67041, 67100, and 67101* of, the Government Code, relating to the California Tahoe Regional Planning Agency.

LEGISLATIVE COUNSEL'S DIGEST

SB 630, as amended, Pavley. California Tahoe Regional Planning Agency.

Existing law ratified the "Tahoe Regional Planning Compact," a bilateral agreement between the States of Nevada and California to regulate development in the Lake Tahoe basin. The compact established the Tahoe Regional Planning Agency as a separate legal entity, comprised of members from *the States of* Nevada and California, responsible for implementing a "regional plan," as defined, regulating development in the Lake Tahoe region, as defined.

Existing law also creates the California Tahoe Regional Planning Agency as a separate legal entity and as a political subdivision of the State of California, and prescribes the membership, functions, and duties of the agency, as specified. Existing law requires the agency, within 18 months of its formation, to prepare, adopt, and review and maintain a comprehensive long-term general plan for the development of the Tahoe region, referred to as the "regional plan," except that when the Tahoe

Regional Planning Compact becomes effective, the time for preparation of the regional plan is required to be extended so that it coincides with the date upon which the agency must submit its plan. Existing law also requires the agency to adopt all necessary ordinances, rules, regulations, and policies to effectuate the adopted regional and interim regional plans. For purposes of those provisions, the “interim plan” is defined to mean the interim regional plan adopted pending the adoption of the regional plan.

This bill would, for purposes of those provisions, define the “interim regional plan” to mean the interim regional plan adopted by the Tahoe Regional Planning Agency on December 12, 2012, *and would define the terms “environmental threshold carrying capacity,” “feasible,” and “project,” as prescribed.* The bill would revise the membership of the governing body of the agency to eliminate the existing 5 members of the governing body, and prescribe requirements for the appointment of a new 9-member governing board. The bill would also revise the composition of a technical advisory committee required to be appointed by the agency, and would request the participation of a representative of the governing board of the Nevada Tahoe Regional Planning Agency. The bill would eliminate a provision authorizing the governing body of the agency to contract with the Tahoe Regional Planning Agency for services.

This bill would delete the requirement that the agency, within 18 months of its formation, prepare, adopt, and review and maintain a comprehensive long-term general plan for the development of the Tahoe region, and would instead require the agency to implement the interim plan adopted by the Tahoe Regional Planning Agency on December 12, 2012, in accordance with prescribed requirements. *The bill would, commencing January 1, 2014, prohibit a project from being developed in the region without the review and approval of the agency, and would prohibit the approval of a project unless it is found by the agency to comply with the regional plan, and with related ordinances, rules, and regulations, but would specify that those provisions shall not become operative if a specified Nevada Senate Bill is repealed on or before January 1, 2014. The bill would prescribe requirements and civil penalties for legal actions arising out of or alleging a violation of these provisions governing the agency.* The bill would revise certain other of the agency’s powers and responsibilities with regard to the review and approval of projects for the development of the Tahoe region, as prescribed.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Since 1980, the States of Nevada and California have  
4 cooperated in protecting Lake Tahoe's exceptional natural  
5 resources by having a single entity, the Tahoe Regional Planning  
6 Agency (TRPA), be responsible for regulating development in the  
7 Tahoe Basin. The states and Congress created the Tahoe Regional  
8 Planning Agency through the Tahoe Regional Planning Compact,  
9 as prescribed in Title 7.4 (commencing with Section 66800) of the  
10 Government Code (*bistate compact*). It is the intent of the  
11 Legislature to maintain that cooperation by having a single entity  
12 continue to regulate development in the Tahoe Basin. A single  
13 entity will continue to enhance the efficiency and governmental  
14 effectiveness of the region, and thereby help to maintain the social  
15 and economic health of the region by protecting, preserving, and  
16 enhancing the region's unique environmental and ecological values.

17 (b) In 2011, the Nevada Legislature enacted Senate Bill 271  
18 (Chapter 530 of the Statutes of 2011). That legislation potentially  
19 requires *the State of Nevada* to withdraw from the Tahoe Regional  
20 Planning Compact in 2015, unless the TRPA adopts an Updated  
21 Regional Plan and the bistate compact is amended to reduce its  
22 protection of Lake Tahoe's resources. During 2012, *the States of*  
23 California and Nevada engaged in a formal bistate consultation  
24 process, which led to *the* TRPA's adoption of an Updated Regional  
25 Plan on December 12, 2012. The California Legislature is hopeful  
26 that ~~through a successful, cooperative process, and the TRPA's~~  
27 ~~adoption of the Updated Regional Plan,~~ *the success of that bistate*  
28 *consultation* will lead to the repeal of Senate Bill 271.

29 (c) Nevada Senate Bill 271 includes a provision that if *the State*  
30 *of Nevada* withdraws from the bistate compact, development on  
31 the Nevada side of the Tahoe Basin will be overseen by the Nevada  
32 Tahoe Regional Planning Agency. However, California does not  
33 have an active entity that will oversee development on the  
34 California side of the Tahoe Basin in the event that *the State of*  
35 Nevada withdraws from the bistate compact. The California

Legislature, therefore, must make contingency plans to protect California's important interests in the Tahoe Basin in the event that *the State of Nevada* withdraws from the bistate Tahoe compact. The contingency plan established in this legislation is not intended to take effect if Nevada repeals Senate Bill 271 in its 2013 legislative session. Action in 2013 by *the State of Nevada* is essential because its Legislature does not meet in 2014 and, by operation of Nevada law, that state may exercise its prerogative to withdraw from the compact in 2015. For California to have ~~due~~ *sufficient* time to protect its many interests in the Tahoe ~~basin~~ *Basin*, the state will need to have a contingency plan in place prior to the dissolution of the bistate compact, as contemplated by Nevada Senate Bill 271.

SEC. 2. Section 67022.5 is added to the Government Code, to read:

67022.5. "Environmental threshold carrying capacity" means an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific, or natural value of the region or to maintain public health and safety within the region. Those standards shall include, but not be limited to, standards for air quality, water quality, soil conservation, vegetation preservation, and noise.

SEC. 3. Section 67022.7 is added to the Government Code, to read:

67022.7. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

SEC. 4. Section 67023 of the Government Code is amended to read:

67023. "Governing body" means the governing board of the California Tahoe Regional Planning Agency.

~~SEC. 2.~~

SEC. 5. Section 67025 of the Government Code is amended to read:

67025. "Interim plan" shall mean the interim regional plan adopted pending the adoption of the regional plan. For purposes of this ~~article~~ *title*, the interim regional plan shall be the regional plan adopted by the Tahoe Regional Planning Agency on December 12, 2012, as the plan is required to be modified by Section 67070.

1 *Unless the context otherwise requires, the provisions of this title*  
2 *concerning the regional plan shall also apply to the interim plan.*

3 *SEC. 6. Section 67027 is added to the Government Code, to*  
4 *read:*

5 *67027. "Project" means an activity undertaken by any person,*  
6 *including any public agency, if the activity may substantially affect*  
7 *the land, water, air, space, or any other natural resources of the*  
8 *region.*

9 ~~SEC. 3.~~

10 *SEC. 7. Section 67041 of the Government Code is repealed.*

11 ~~SEC. 4.~~

12 *SEC. 8. Section 67041 is added to the Government Code, to*  
13 *read:*

14 *67041. The governing body of the agency shall contain the*  
15 *following nine members:*

16 (a) One member appointed by the Governor who shall be an  
17 member of the Board of Supervisors of the County of El Dorado  
18 or the Board of Supervisors of the County of Placer, and one  
19 member appointed by the Governor who shall be an elected  
20 member of the city council of the City of South Lake Tahoe. Both  
21 of these appointees are subject to Senate confirmation.

22 (b) Three members appointed by the Governor who have a  
23 demonstrated interest and appreciation for the natural beauty and  
24 economic productivity of the Lake Tahoe region who shall  
25 represent the public at large and the geographic diversity of  
26 California. All of these appointees are subject to Senate  
27 confirmation.

28 (c) Two members appointed by the Senate Committee on Rules.

29 (d) Two members appointed by the Speaker of the California  
30 Assembly.

31 ~~SEC. 5.~~

32 *SEC. 9. Section 67049 of the Government Code is amended*  
33 *to read:*

34 *67049. A technical advisory committee shall be appointed by*  
35 *the agency. The committee shall include, but shall not be limited*  
36 *to, the following: the executive officer of the Tahoe Conservancy,*  
37 *the executive officer of the State Lands Commission, the chief*  
38 *planning officers of Placer County, El Dorado County, and the*  
39 *City of South Lake Tahoe, the executive officer of the Lahontan*  
40 *Regional Water Quality Control Board or his designee, and the*

1 executive officer of the California Tahoe Regional Planning  
2 Agency who shall act as chairman. The agency shall request the  
3 participation of a representative of the governing board of the  
4 Nevada Tahoe Regional Planning Agency who is chosen by that  
5 body.

6 ~~SEC. 6.~~

7 *SEC. 10.* Section 67061 of the Government Code is repealed.

8 ~~SEC. 7.~~

9 *SEC. 11.* Section 67070 of the Government Code is amended  
10 to read:

11 67070. (a) The regional plan adopted by the ~~agency~~ *Tahoe*  
12 *Regional Planning Agency* on December 12, 2012, shall be  
13 considered the interim regional plan of the agency, except as  
14 provided in ~~paragraph~~ *paragraphs* (1) to (6), *inclusive*.  
15 Amendments to the interim plan or the adoption of a  
16 comprehensive long-term general plan and amendment to that plan  
17 shall comply with the rules and regulations prescribed in Section  
18 67101. The agency shall implement the interim regional plan as  
19 follows:

20 (1) No project may be developed in the region without obtaining  
21 the review and approval of the agency. ~~For purposes of this article,~~  
22 ~~“project” is defined as any activity that may substantially affect~~  
23 ~~the land, water, air, space, or other natural resource of the region.~~  
24 Any delegated authority for the issuance of permits under areas  
25 plans is terminated as of January 1, 2014.

26 (2) On or before October 1, 2015, the agency shall determine  
27 whether the boundaries of town center districts and regional center  
28 districts are empirically shown to create a less auto-dependent  
29 development pattern, and, if not, the agency shall adjust the  
30 boundaries so that they promote that pattern.

31 (3) Resort recreational districts shall be eliminated.

32 (4) Provisions in the interim regional plan that allow up to 70  
33 percent land coverage shall be reduced to allow up to 50 percent  
34 land coverage.

35 (5) Provisions in the interim regional plan that allow for the  
36 calculation of land coverage on an areawide basis shall be  
37 eliminated, and coverage shall be calculated on a per parcel basis.

38 (6) Certification of compliance with all best management  
39 practices shall be a condition ~~of~~ *for* the sale of commercial property  
40 parcels.

1 ~~(b) The regional plan shall include the following correlated~~  
2 ~~elements:~~

3 ~~(1) A land-use plan for the integrated arrangement and general~~  
4 ~~location and extent of, and the criteria and standards for, the uses~~  
5 ~~of land, water, air, space and other natural resources within the~~  
6 ~~region, including but not limited to, an indication or allocation of~~  
7 ~~maximum population densities.~~

8 ~~(2) A transportation plan for the integrated development of a~~  
9 ~~regional system of transportation, including but not limited to,~~  
10 ~~freeways, parkways, highways, transportation facilities, transit~~  
11 ~~routes, waterways, navigation and aviation aids and facilities, and~~  
12 ~~appurtenant terminals and facilities for the movement of people~~  
13 ~~and goods within the region.~~

14 ~~(3) A conservation plan for the preservation, development,~~  
15 ~~utilization, and management of the scenic and other natural~~  
16 ~~resources within the basin, including but not limited to soils,~~  
17 ~~shoreline and submerged lands, scenic corridors along~~  
18 ~~transportation routes, open spaces, recreational and historical~~  
19 ~~facilities.~~

20 ~~(4) A recreation plan for the development, utilization, and~~  
21 ~~management of the recreational resources of the region, including~~  
22 ~~but not limited to, wilderness and forested lands, parks and~~  
23 ~~parkways, riding and hiking trails, beaches and playgrounds,~~  
24 ~~marinas and other recreational facilities.~~

25 ~~(5) A public services and facilities plan for the general location,~~  
26 ~~scale and provision of public services and facilities, which, by the~~  
27 ~~nature of their function, size, extent and other characteristics are~~  
28 ~~necessary or appropriate for inclusion in the regional plan.~~

29 *(b) The Tahoe Regional Planning Agency environmental*  
30 *threshold carrying capacities for the region in effect on December*  
31 *12, 2012, shall be the agency's environmental threshold carrying*  
32 *capacities unless and until the agency modifies those capacities.*

33 *(c) Within one year after the effective date of the agency's*  
34 *interim regional plan, the agency shall review the interim regional*  
35 *plan and either adopt it as the agency's regional plan or, if*  
36 *necessary, alter it to ensure that, at a minimum, the plan and all*  
37 *its elements, as implemented through agency ordinances, rules,*  
38 *and regulations, achieves and maintains the environmental*  
39 *threshold carrying capacities. Each element of the plan shall*  
40 *contain implementation provisions and time schedules for*

1 *implementation of the plan, prescribed by ordinance. The*  
2 *governing body shall continuously review and maintain the*  
3 *regional plan. The regional plan shall consist of one or more*  
4 *diagrams, or texts setting forth the projects and proposals for*  
5 *implementation of the regional plan, a description of the needs*  
6 *and goals of the region, and a statement of the policies, standards,*  
7 *and elements of the regional plan. The regional plan shall be a*  
8 *single, enforceable plan, which shall include all of the following*  
9 *elements:*

10 *(1) A land use plan for the integrated arrangement and general*  
11 *location and extent of, and the criteria and standards for, the uses*  
12 *of land, water, air, space, and other natural resources within the*  
13 *region, including, but not limited to, an indication or allocation*  
14 *of maximum population densities and permitted uses.*

15 *(2) (A) A transportation plan for the integrated development*  
16 *of a regional system of transportation, including, but not limited*  
17 *to, parkways, highways, transportation facilities, transit routes,*  
18 *waterways, navigation facilities, public transportation facilities,*  
19 *bicycle facilities, and appurtenant terminals and facilities for the*  
20 *movement of people and goods within the region. Transportation*  
21 *planning shall include both of the following goals:*

22 *(i) The reduction of dependency on the automobile by making*  
23 *more effective use of existing transportation modes and of public*  
24 *transit to move people and goods within the region.*

25 *(ii) The reduction, to the extent possible, of feasible air pollution*  
26 *that is caused by motor vehicles.*

27 *(B) If increases in capacity are required, the agency shall give*  
28 *preference to providing that capacity through public transportation*  
29 *and public programs and projects related to transportation. The*  
30 *agency shall review and consider all existing transportation plans*  
31 *in preparing its regional transportation plan pursuant to this*  
32 *paragraph. Until such time that the regional plan is revised, or a*  
33 *new transportation plan is adopted in accordance with this*  
34 *paragraph, the regional transportation plan adopted by the Tahoe*  
35 *Regional Planning Agency on December 12, 2012, shall be*  
36 *considered the interim transportation plan of the agency, to the*  
37 *extent that it is consistent with this section.*

38 *(3) A conservation plan for the preservation, development,*  
39 *utilization, and management of the scenic and other natural*  
40 *resources within the Tahoe Basin, including, but not limited to,*



1 soils, shoreline and submerged lands, scenic corridors along  
2 transportation routes, open spaces, and recreational and historical  
3 facilities.

4 (4) A recreational plan for the development, utilization, and  
5 management of the recreational resources of the region, including,  
6 but not limited to, wilderness and forested lands, parks and  
7 parkways, riding and hiking trails, beaches and playgrounds,  
8 marinas, and areas for skiing and other recreational facilities.

9 (5) A public services and facilities plan for the general location,  
10 scale, and provision of public services and facilities, which, by  
11 nature of their function, size, extent, and other characteristics are  
12 necessary or appropriate for inclusion in the regional plan.

13 (d) The regional plan shall provide for the attainment and  
14 maintenance of federal, state, or local air and water quality  
15 standards, whichever are most restrictive, in the respective areas  
16 of the region to which those standards apply. However, the agency  
17 may adopt air or water quality standards or control measures that  
18 are more restrictive than the applicable state implementation plan  
19 or the applicable federal, state, or local standards for the region,  
20 if it finds that those additional standards or control measures are  
21 necessary to achieve the purposes of this title. Each element of the  
22 regional plan, where applicable, shall, by ordinance, identify the  
23 means and time schedule by which air and water quality standards  
24 will be attained.

25 SEC. 12. Section 67072 of the Government Code is amended  
26 to read:

27 67072. All provisions of the ~~Tahoe~~ regional ~~general~~ plan shall  
28 be enforced by the agency and by the counties and cities in the  
29 region.

30 SEC. 13. Section 67072.1 is added to the Government Code,  
31 to read:

32 67072.1. (a) (1) Commencing January 1, 2014, a project shall  
33 not be developed in the region without obtaining the review and  
34 approval of the agency, and a project shall not be approved unless  
35 it is found by the agency to comply with the regional plan and with  
36 the ordinances, rules, and regulations enacted to effectuate that  
37 plan.

38 (2) The agency may approve a project in the region only after  
39 making the written findings required by this subdivision or

1 subdivision (b). Those findings shall be based on substantial  
2 evidence in the record.

3 (3) The agency's regulations shall permit the agency to approve  
4 a project in the region only after making written findings, on the  
5 basis of substantial evidence in the record, that the project is  
6 consistent with the regional plan then in effect, and consistent with  
7 applicable plans, ordinances, regulations, and standards of federal  
8 and state agencies relating to the protection, maintenance, and  
9 enhancement of environmental quality in the region.

10 (b) The agency's regulations shall prescribe specific written  
11 findings that the agency is required to make prior to approving  
12 any project in the region. These findings shall relate to  
13 environmental protection and shall ensure that the project under  
14 review will not adversely affect implementation of the regional  
15 plan and will not cause the adopted environmental threshold  
16 carrying capacities of the region to be exceeded.

17 (c) If the agency is required to review or approve any project,  
18 public or private pursuant to this title or any ordinance, rule,  
19 regulation, or policy adopted pursuant to this title, it shall take  
20 final action by vote, whether to approve, to require modification,  
21 or to reject the project, within 180 days after the application for  
22 the project is accepted as complete by the agency in compliance  
23 with the agency's rules and regulations governing the delivery  
24 unless the applicant has agreed to an extension of this time limit.  
25 If a final action by vote does not occur within 180 days, the  
26 applicant may bring an action in a court of competent jurisdiction  
27 to compel a vote unless he has agreed to an extension.

28 (d) If the Tahoe Regional Planning Agency has issued a permit  
29 or otherwise approved a project before the date on which the State  
30 of Nevada withdraws from the Tahoe Regional Planning Compact,  
31 both of the following shall apply:

32 (1) The permit or approval shall remain valid after that date.

33 (2) The California Tahoe Regional Planning Agency shall  
34 assume the responsibility of enforcing the conditions, if any, of  
35 the approval or permit.

36 (e) If an application was pending before the Tahoe Regional  
37 Planning Agency on the date on which the State of Nevada  
38 withdraws from the Tahoe Regional Planning Compact, the agency  
39 shall process the application based upon its regional plan and  
40 implementing ordinances.

1     *SEC. 14. Section 67073 of the Government Code is repealed.*

2     ~~67073. Within 90 days after the formation of the agency and~~  
3 ~~after at least one public hearing, the governing body shall review~~  
4 ~~the testimony and recommendations presented at such hearing and~~  
5 ~~shall adopt a regional interim plan.~~

6     *SEC. 15. Section 67074 of the Government Code is repealed.*

7     ~~67074. The interim plan shall consist of statements of~~  
8 ~~development policies, criteria and standards for planning and~~  
9 ~~development, of plans or portions of plans, and projects and~~  
10 ~~planning decisions, which the agency finds it necessary to adopt~~  
11 ~~and administer on an interim basis in accordance with the~~  
12 ~~substantive powers granted to it in this agreement.~~

13     *SEC. 16. Section 67075 of the Government Code is amended*  
14 *to read:*

15     67075. The agency shall maintain the data, maps, and other  
16 information developed in the course of formulating and  
17 administering the regional plan and interim plan, in a form suitable  
18 to assure a consistent view of developmental trends and other  
19 relevant information for the availability of and use by other  
20 agencies of government and by private organizations and  
21 individuals concerned.

22     *SEC. 17. Section 67100 of the Government Code is repealed.*

23     ~~67100. The agency shall adopt all necessary ordinances, rules,~~  
24 ~~regulations and policies to effectuate the adopted regional and~~  
25 ~~interim plans. The regulations shall contain general, regional~~  
26 ~~standards including but not limited to the following: subdivision;~~  
27 ~~zoning; tree removal; solid waste disposal; sewage disposal; land~~  
28 ~~fills, excavations, cuts and grading; piers; harbors, breakwaters;~~  
29 ~~or channels and other shoreline developments; waste disposal in~~  
30 ~~shoreline areas; waste disposal from boats; mobilehome parks;~~  
31 ~~house relocation; outdoor advertising; flood plain protection; soil~~  
32 ~~and sedimentation control; air pollution; and watershed protection.~~

33     *SEC. 18. Section 67100 is added to the Government Code, to*  
34 *read:*

35     67100. (a) *The governing body shall adopt all necessary*  
36 *ordinances, rules, and regulations to effectuate the adopted*  
37 *regional plan. Except as otherwise provided in this title, every*  
38 *ordinance, rule, or regulation shall establish a minimum standard*  
39 *applicable throughout the region. Any political subdivision or*  
40 *public agency may adopt and enforce an equal or more stringent*

1 *requirement applicable to the same subject of regulation in its*  
2 *territory. The regulations of the agency shall contain standards,*  
3 *including, but not limited to, the following: water purity and*  
4 *clarity; subdivision; zoning; tree removal; solid waste disposal;*  
5 *sewage disposal; landfills, excavations, cuts and grading; piers,*  
6 *harbors, breakwaters, or channels, and other shoreline*  
7 *developments; waste disposal in shoreline areas; waste disposal*  
8 *from boats; mobilehome parks; house relocation; outdoor*  
9 *advertising; flood plain protection; soil and sedimentation control;*  
10 *air pollution; and watershed protection.*

11 *(b) The agency shall prescribe by ordinance those activities*  
12 *that it has determined will not have substantial effect on land,*  
13 *water, air, space, or any other natural resources in the region and*  
14 *therefore will be exempt from its review and approval.*

15 ~~SEC. 8. Section 67101 of the Government Code is amended~~  
16 ~~to read:~~

17 ~~67101. (a) Interim regulations shall be adopted within 90 days~~  
18 ~~from the formation of the agency and final regulations within 18~~  
19 ~~months after the formation of the agency, except as provided in~~  
20 ~~subdivision (b):~~

21 ~~(b) The Tahoe Regional Planning Agency Code of Ordinances~~  
22 ~~and the Rules of Procedure, which was adopted by the Tahoe~~  
23 ~~Regional Planning Association Governing Board, on December~~  
24 ~~12, 2012, shall be considered the interim agency ordinances and~~  
25 ~~rules, with the exception of any requirements for the interim~~  
26 ~~regional plan set forth in subdivision (a) of Section 67070.~~

27 ~~SEC. 19. Section 67101 of the Government Code is repealed.~~

28 ~~67101. Interim regulations shall be adopted within 90 days~~  
29 ~~from the formation of the agency and final regulations within 18~~  
30 ~~months after the formation of the agency.~~

31 ~~SEC. 20. Section 67101 is added to the Government Code, to~~  
32 ~~read:~~

33 ~~67101. (a) The Tahoe Regional Planning Agency Code of~~  
34 ~~Ordinances, which was adopted by the Tahoe Regional Planning~~  
35 ~~Association Governing Board on December 12, 2012, and its Rules~~  
36 ~~of Procedure, which were in effect on that date, shall be considered~~  
37 ~~the interim agency ordinances and rules, with the exception of any~~  
38 ~~requirements for the interim regional plan set forth in subdivision~~  
39 ~~(a) of Section 67070. Unless the context otherwise requires, the~~  
40 ~~requirements of this title concerning agency ordinances, rules,~~

1 *and regulations shall also apply to its interim ordinances, rules,*  
2 *and regulations.*

3 *(b) Within 90 days of the effective date of the interim regional*  
4 *plan, the agency shall amend its interim agency ordinances and*  
5 *rules so that they conform to the requirements of subdivision (a)*  
6 *of Section 67070. Any amendments to the interim agency*  
7 *ordinances and rules shall be exempt from the requirements of*  
8 *Chapter 3.5 (commencing with Section 11340) of Part 1 of Division*  
9 *3 of Title 2.*

10 *SEC. 21. Section 67102 of the Government Code is amended*  
11 *to read:*

12 *67102. All ordinances, rules, regulations and policies required*  
13 *by this title, or adopted by the agency shall be enforced by the*  
14 *agency, and by the counties and cities.*

15 *SEC. 22. Section 67103 of the Government Code is amended*  
16 *to read:*

17 *67103. All public works projects shall be reviewed prior to*  
18 *construction and approved by the agency as to the project's*  
19 *compliance with the adopted regional-general plan.*

20 ~~*SEC. 9:*~~

21 *SEC. 23. Section 67103.1 of the Government Code is repealed.*

22 *SEC. 24. Section 67105 of the Government Code is amended*  
23 *to read:*

24 *67105. The agency shall police the region to ensure compliance*  
25 *with the-general regional plan and adopted ordinances, rules,*  
26 *regulations and policies. If it is found that the-general regional*  
27 *plan, or ordinances, rules, regulations and policies are not being*  
28 *enforced by a local jurisdiction, the agency may bring action in a*  
29 *court of competent jurisdiction to ensure compliance.*

30 *SEC. 25. Section 67106.2 is added to the Government Code,*  
31 *to read:*

32 *67106.2. (a) A legal action arising out of or alleging a*  
33 *violation of this title, the regional plan, or an ordinance or*  
34 *regulation of the agency or of a permit or a condition of a permit*  
35 *issued by the agency shall be governed by this section if it involves*  
36 *any of the following:*

37 *(1) An action arising out of activities directly undertaken by the*  
38 *agency.*

39 *(2) An action arising out of the issuance to a person of a lease,*  
40 *permit, license, or other entitlement for use by the agency.*

1     (3) *An action arising out of any other act or failure to act by*  
2 *any person or public agency.*

3     (b) *With regard to the venue for actions subject to this section,*  
4 *the following shall apply:*

5     (1) *If a civil or criminal action challenges an activity by the*  
6 *agency or any person that is undertaken or to be undertaken upon*  
7 *a parcel of real property, it shall be filed in the county where the*  
8 *real property is situated or the County of Sacramento.*

9     (2) *If an action challenges an activity that does not involve a*  
10 *specific parcel of land, including an action challenging an*  
11 *ordinance of the agency, it shall be filed in the County of El*  
12 *Dorado, Placer, or Sacramento.*

13     (c) *Any aggrieved person may file an action in an appropriate*  
14 *court of the State of California alleging noncompliance with the*  
15 *provisions of this compact or with an ordinance or regulation of*  
16 *the agency. In the case of governmental agencies, “aggrieved*  
17 *person” means the agency or any other state, federal, or local*  
18 *agency. In the case of any person other than a governmental*  
19 *agency who challenges an action of the agency, “aggrieved*  
20 *person” means any person who has appeared, either in person,*  
21 *through an authorized representative, or in writing, before the*  
22 *agency at an appropriate administrative hearing to register*  
23 *objection to the action which is being challenged, or who had good*  
24 *cause for not making an appearance.*

25     (d) *Any aggrieved person shall have a right to judicial review*  
26 *of any administrative decision of the agency by filing a petition*  
27 *for a writ of mandate in accordance with Section 1094.5 of the*  
28 *Code of Civil Procedure, within 60 days after the decision has*  
29 *become final. All other legal actions shall be commenced within*  
30 *one year after discovery of the cause of action.*

31     (e) *The agency shall monitor activities in the region and may*  
32 *bring enforcement actions in the region to ensure compliance with*  
33 *the regional plan and adopted ordinances, rules, regulations, and*  
34 *policies. If it is found that the regional plan, or ordinances, rules,*  
35 *regulations, and policies are not being enforced by a local*  
36 *jurisdiction, the agency may bring action in a court of competent*  
37 *jurisdiction to ensure compliance.*

38     (f) *Any person who violates this title or of any ordinance or*  
39 *regulation of the agency or of any condition of approval imposed*  
40 *by the agency shall be subject to a civil penalty not to exceed five*

1 *thousand dollars (\$5,000). A person is subject to an additional*  
2 *civil penalty, not to exceed five thousand dollars (\$5,000) per day,*  
3 *for each day on which a violation persists. In imposing the*  
4 *penalties authorized by this subdivision, the court shall consider*  
5 *the nature of the violation and shall impose a greater penalty if it*  
6 *was willful or resulted from gross negligence than if it resulted*  
7 *from inadvertence or simple negligence.*

8 *(g) Approval by the agency of any project shall expire 3 years*  
9 *after the date of final action by either the agency or the Tahoe*  
10 *Regional Planning Agency, whichever is later, unless construction*  
11 *is begun within that time and diligently pursued thereafter, or the*  
12 *use or activity has commenced. In computing the 3-year period,*  
13 *any period of time during which the project is the subject of a legal*  
14 *action that delays or renders impossible the diligent pursuit of*  
15 *that project shall not be counted. Any license, permit, or certificate*  
16 *issued by the agency that has an expiration date shall be extended*  
17 *by that period of time during which the project is the subject of*  
18 *the legal action as provided in this subdivision.*

19 *SEC. 26. Section 67107.1 is added to the Government Code,*  
20 *to read:*

21 *67107.1. (a) The Legislature hereby finds and declares that*  
22 *aquatic invasive species pose a serious threat to the waters and*  
23 *other natural resources of the Lake Tahoe region, and an equally*  
24 *serious threat to the region's economy.*

25 *(b) The agency shall work with appropriate federal, state, and*  
26 *local entities, as well as appropriate State of Nevada entities, to*  
27 *ensure lake wide aquatic species protection and control.*

28 ~~SEC. 10.~~

29 *SEC. 27. Section 67109 of the Government Code is repealed.*

30 ~~SEC. 11.~~

31 *SEC. 28. Section 67120 of the Government Code is amended*  
32 *to read:*

33 *67120. On or before December 30 of each calendar year, the*  
34 *agency shall establish, consistent with the usual practices of the*  
35 *Department of Finance with regard to funding requests to be*  
36 *included in the annual budget process, the amount of money*  
37 *necessary to support its activities for the next succeeding fiscal*  
38 *year commencing July 1 of the following year and transmit a*  
39 *request for that amount to the Legislature.*

1     ~~SEC. 12.~~

2     *SEC. 29.* Section 67125 of the Government Code is repealed.

3     *SEC. 30.* *Sections 11 and 13 of this act shall not become*  
4 *operative if Nevada Senate Bill 271 of the 2011 Regular Session*  
5 *(Chapter 530 of the Statutes of 2011) is repealed on or before*  
6 *January 1, 2014.*

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